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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 DARIUS MCCALL,

8 Plaintiff,

9 v.

10 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, *et al.*,

11 Defendants.

Case No. 2:18-cv-01319-APG-GWF

ORDER

12 This matter is before the Court on Plaintiff's Motion to File Second Amended Complaint
13 (ECF No. 22), filed on November 12, 2018. To date, Defendants have not filed their responses
14 and the time for opposition has now expired.

15 Plaintiff requests leave to file a second amended complaint to add three new parties whose
16 names were unknown at the time that Plaintiff filed his first amended complaint, to clarify
17 allegations through recently discovered information, and to add a claim of trespass to chattels.
18 Fed. R. Civ. P. 15 states that "...a party may amend its pleading only with the opposing party's
19 written consent or the court's leave. The Court should freely give leave when justice so requires."
20 Fed. R. Civ. P. 15(b). There is a "strong policy to permit the amending of pleadings." *Gabrielson*
21 *v. Montgomery Ward & Co.*, 785 F.2d 762, 765 (9th Cir.1986) (quoting *Howey v. United States*,
22 481 F.2d 1187, 1190 (9th Cir.1973).

23 In addition, Local Rule 7-2(d) provides that "The failure of an opposing party to file points
24 and authorities in response to any motion shall constitute a consent to the granting of the motion."
25 Defendants did not file points and authorities in response to Plaintiff's instant motion. As a result,
26 Defendants is considered to have consented to the granting of Plaintiff's motion under LR 7-2(d).
27 The Court, therefore, grants Plaintiff's motion to file his second amended complaint. Accordingly,


28 ...

IT IS HEREBY ORDERED that Plaintiff's Motion to File Second Amended Complaint (ECF No. 22) is **granted**.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to file Plaintiff's Second Amended Complaint, which is attached to Plaintiff's motion as Exhibit 1 (ECF No. 22-1).

IT IS FURTHER ORDERED that the motion hearing set for December 14, 2018 at 1:30 pm is hereby **vacated**.

Dated this 12th day of December, 2018.


GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE